

January 10, 2007

EXHIBIT
DATE 1/10/07
HB 35

To: House Judiciary Committee

From: Kelsen Young, PO Box 15, Helena, MT 59624, (406) 461-4536

Re: HB 35 – Assistance to Victims of Identity Theft

Honorable Committee Members:

Good morning. Madam Chair and members of the committee, for the record my name is Kelsen Young and I speak before you today as a victim of identity theft. I am representing myself on this legislation. I have been working diligently over the last two years on identity theft issues and participated in the work of the Economic Affairs interim committee and more specifically the identity theft work group. Many of you have seen me in that capacity and I would like to express my gratitude to the members of the Economic Affairs committee, Representative Keane for sponsoring this legislation, and Pat Murdo for her tireless work on the legislation.

I heard someone say the other day that identity theft is a victimless crime. I can assure you it is not. I would like to start by briefly telling my story of how I became a victim of identity theft. For those of you who have already heard the story, I apologize. A little over three years ago, in September of 2003, I was moving home from Washington State to Montana. I had packed up all of my personal and household belongings into a Uhaul truck preparing to head home to Montana. After a long day of packing, I decided to stop at a hotel in a suburb of Seattle. I parked the Uhaul in the hotel parking lot. The next morning, I got out of bed, looked out the window, and saw that the Uhaul had disappeared.

Turns out, the entire Uhaul truck had been stolen during the night. Two days later, it was found abandoned in a parking lot a few miles from the hotel, it was completely empty. Every last belonging I had was gone. Despite this tremendous loss, I headed home to Montana that same day with the help of family and friends.

As you can imagine, this was a horrible situation. Only made worse a few days later when I discovered that the thieves had also stolen my identity. The most important thing I lost that day was a filing cabinet full of personal information, which resulted in the loss of my identity. They had every last piece of identifying information you can imagine, including old checks, an ATM card, birth certificate, etc. Imagine what you might have in your filing cabinet at home? Or have you ever moved from one city to the next and carried with you similar types of documents?

The details of the theft of my identity and what happened in the months after would take me hours to explain. But what I'd like to make very clear to the committee is the impact losing your identity has on your life and the importance of doing anything we can to help remedy the situation for victims (in addition to preventative measures). I would also like to make clear that most of the identity theft legislation being proposed this session will not directly benefit my situation. This bill is the one most clearly specific to victims of

identity theft and most of the proposed changes in the legislation have come from experiences that I have had with how the system is currently working. My primary purpose for being here today is to make a difference for future victims and to find my own justice through giving voice to this crime.

Let me walk through the sections of the bill and highlight the important points.

Section 1 – This section addresses the issue of victims of identity theft being able to request and receive a police report, investigative report, or documentation of filed complaint. Currently, it can be very difficult for a victim to obtain such documentation of the crime. In my situation, I had to ask for an addition to be made to my original police report in Washington State, but was denied a police report here in Montana by the Helena Police Department. The issue of jurisdiction was in question. Believe me, other identity theft victims have experienced similar situations of the local law enforcement not knowing what to do about this crime and refusing to take a report. (I believe this has gotten better over time as a result of training.)

This section also makes it automatic that the police department sends a copy to the Attorney General's office for the passport program which will enhance the victim's ability to be able to apply for and receive the identity theft passport.

In Section 1, sub 3) the legislation addresses the issue of jurisdiction for identity theft victims. As you can see in my case, jurisdiction ended up preventing my case from being investigated or taken seriously entirely. The issue of jurisdiction will be present in many identity theft situations; because a lot of identity theft happens from very remote places or even different countries. **The crime needs to be able to be reported in the jurisdiction where the victim resides.** This is essential for all other aspects of dealing with identity theft. Also please note sub 4) explains that the police department does not necessarily have to investigate, but that they should cooperate with other relevant investigations.

Section 2 – This section cleans up (in my opinion) legislation that was passed last session which created the Identity Theft Passport program. Currently, this program is not available to me or other Montanans who may have experienced the identity theft in another state, while traveling, or remotely as I explained. This is an important change to the program and will allow those of us who currently do not qualify to be able to utilize this important program.

Section 3 – This section may have some opposition from the Consumer Reporting Agencies, but is very important for victims of identity theft. Even after three years, there is "negative information" on my credit report that I have attempted to remove, block, or what have you in multiple ways and have still been unsuccessful. This section would make clear that if the victim of identity theft is able to prove that the information on the credit report resulted from identity theft, that **Montana law** says it has to be blocked or removed.

Section 4 – This section would help address one of my biggest fears as an identity theft victim – the reality that someone can, and probably will, commit further crimes in my name and using my identifying information. Once your identity is stolen, it is no longer yours. How do you prove who you are when someone is ready to charge you with a crime? And at the very least, what right do I currently have to make sure criminal acts done in my name can be removed from my record? Currently, none as far as I can tell in Montana. This section would help to remedy this potential situation for identity theft victims. Other states have implemented similar policies.

As you can see, this legislation presents an opportunity for the Montana Legislature to be able to indicate their support and commitment to the citizens of Montana who have experienced identity theft and who need your help dealing with their situations. Identity theft is still a fairly new issue for the general public and people are still grappling with the extent to which this problem occurs and what are possible solutions. I believe this bill presents a solution and I truly hope you can support it.

There may be many other bills you hear this session regarding identity theft and I ask you to remember my story and to think about how you would feel if someone were to steal your identity and the impact and time that would have on your lives. Thank you for your time and attention this morning. I am happy to answer any questions from the committee.

